

# STATE LEGISLATIVE FACT SHEET

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U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**

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People Saving People  
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## STRENGTHENING CHILD PASSENGER SAFETY LAWS— INCREASE CAR SEAT AND BELT USE, DECREASE CRASH FATALITIES AND INJURIES

Traffic crashes are a leading cause of death in the United States. All 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories have child passenger safety laws ("car seat laws"). However, many of these laws have serious gaps and exemptions in coverage that diminish the protection that all children need in motor vehicles.

Child passenger safety laws should cover every child (up to age 16), in every seating position, in every passenger vehicle.

### ***Close Gaps Between Belt Laws and Child Safety Laws***

- Raise the age limit on child restraint laws to cover up to age 16. Most child restraint laws cover babies and children up to four years of age or 40 pounds, and one-third of the laws protect children over six years old. However, older children may not be protected adequately by your state's belt use law. For example, in many states a 10-year-old can legally ride in the back seat without being secured because the laws in those states apply only to front seat occupants. Also, the belt use laws in most states permit only secondary enforcement.
- Make the driver responsible for restraint use by all children under 16 years of age. Safety belt laws in many states assign responsibility to the parent or guardian, who may not be the driver or even be in the car. Also, child passenger laws in some states do not assign responsibility to any specific adult, making these laws difficult to enforce. In addition, some laws contain unnecessary exemptions for drivers who are not the vehicle owner or who are not related to the children being carried.
- Child restraint laws should specifically make it illegal to carry kids in the cargo area of pickup trucks. NHTSA's "Kids Aren't Cargo" campaign seeks to encourage closing this legislative gap.

### ***Upgrade Child Safety Laws—Eliminate Exemptions***

- Require child restraint systems (car seats) for children up to four years old and 40 pounds. Children four years or older, but younger than 16, can be restrained with child restraint systems (appropriate for the child's size and weight) or safety belts, if they fit properly.
- Eliminate exemptions for overcrowded vehicles. In nearly half of the states, children can ride unsecured if all safety belts are in use.
- Eliminate the exemption for "attending to the personal needs of the child." This encourages adults to carry children in their laps during feeding or other activities—behaviors which are highly risky.

- Tighten the guidelines for issuing medical waivers that allow children with special medical needs to ride unrestrained. Advances in child restraint systems have made it possible to accommodate children with almost any type of physical disability.
- Eliminate exemptions for out-of-state vehicles, drivers, and children. Currently, children in many states are not required to be secured if the vehicle or driver is from another state. Children need to be protected, even when they're in a vehicle which is just "passing through" or with a family with an out-of-state license.

### ***Conduct Combined Public Awareness and Enforcement Campaigns***

- Publicity and enforcement must go hand-in-hand. Publicity campaigns should educate the public about the importance of proper child passenger protection. Enforcement campaigns should include information on correct use, as well as publicity to raise public awareness of the law and its enforcement.
- Raise awareness of vehicle/child safety seat compatibility. Many parents and others who transport children do not understand the potential deadly results from a child seat that is not properly secured in a vehicle.

### ***Everyone Using a Child Safety Seat Should Remember Three Things:***

- Read the instructions for the child safety seat.
- Read the vehicle owner's manual.
- Test for a snug, secure fit.

### ***Presidential Initiative for Increasing Seat Belt Use Nationwide***

On April 16, 1997, the Secretary of Transportation issued the Presidential Initiative for Increasing Seat Belt Use Nationwide. Included in the initiative are ambitious child

occupant goals. These goals aim to reduce child occupant fatalities (0-4 years) by 15 percent in 2000 and by 25 percent in 2005 (from a total of 653 in 1996). As of 1998, fatalities have decreased by more than 12% (575). The Presidential Initiative identifies closing the gaps in child passenger safety laws as an important strategy in meeting these new national goals.

### ***Highway Safety Grant Programs for Occupant Protection Activities***

On May 22, 1998, Congress passed H.R. 2400, the Transportation Equity Act for the 21st Century (TEA-21). Two programs established in TEA-21 have a direct impact on seat belt use and occupant protection. Beginning in FY 1999, the Section 157 Seat Belt Incentive Grants program authorized \$500 million over five years to encourage states to increase seat belt use rates. States received funds based on projected annual savings in Federal medical costs resulting from increased seat belt use. States may use these grant funds for any eligible Title 23 project (which may include some construction projects). The Act also provides that Section 157 funds not allocated to incentive grants in a fiscal year beginning in FY 2000 be allocated to the States, through a competitive grant process, to carry out innovative projects to promote increased seat belt use rates, and child passenger safety activities. The Section 405 (a) occupant protection incentive grant program authorized \$83 million over five years to target specific occupant protection laws and programs. Beginning in FY '99, states received grants if they demonstrated that they had in place certain occupant protection laws and programs, such as primary safety belt use laws and special traffic enforcement programs. Under Section 2003 (b), TEA-21 also established a two-year program for FY 2000 and 2001, in which states will receive grants if they carry out child passenger protection education and training activities.

### ***Urge Parents to Transport Children in the Rear Seat***

- The rear seat is the safest place for children of all ages.
- Infants (less than one year of age) should never be carried in the front seat of a car or truck with a passenger-side air bag.
- Infants must always ride in the rear seat, facing the rear of the car.
- Children should not ride with the shoulder belt tucked under their arms or behind their backs.
- Make sure everyone is correctly buckled up. Unbelted or improperly belted occupants can be hurt or killed by the deploying air bag.

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***Additional information is available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, ATTN: NTS-12, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-2708.***